

FILED

AUG 21 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY [Signature] DEPUTY

Dylan J. Floyd,

(Enter the full name of the plaintiff.)

CIV-20-842

HE

v.

Case No. _____
(Court Clerk will insert case number)

- (1) Leandra James
(1) Turn Key Health,
(2) Damon Devereaux,
(3) Randy Lester.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

✓ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

___ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

N/A

II. State whether you are a:

- ☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☐ Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): _____

b. Court and docket number: N/A

c. Approximate date of filing: N/A

d. Issues raised: N/A

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): N/A

f. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Dylan Jordan Floyd
Address: 216 S. Broad Guthrie Okla 73044
Inmate No.: 115759

2. Defendant No. 1

Name and official position: Turn Key Health Care
Provider

Place of employment and/or residence: Logan County Detention
Center 216 S. Broad Guthrie OK 73044

How is this person sued? ☒ official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: Logan County Sheriff
Damon Devereaux

Place of employment and/or residence: 216 S. Broad
Guthrie, OK 73044

How is this person sued? () official capacity, ☒ individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

Defendant No. 3

Name and Official Position: Bandy Lester Jail
Administrator

Place of Employment and/or residence Logan County
Detention Center 216 S. Broad Guthrie, OK 73044

How is this person sued? (✓) individual capacity

Defendant No. 4

Name and Official Position: Leandra James Jail
Administrator Assistant

Place of Employment and/or residence: Logan County Detention
Center 216 S. Broad Guthrie, OK 73044

How is this person sued? (✓) individual capacity

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.

- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

(1) List the right that you believe was violated:

- The Plaintiff is being denied the Right to access
medical creating a deliberate indifference.
- The Defendants Actions Violated the Eight Amendments
Born against Cruel and Unusual Punishment and the
Fourteenth Amendment to the United States Constitution

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

- 1) Tunn Key Health - medical provider for the Logan
County Detention Center
- 2) Darron Devereaux
- 3) Randy Lester
- 4) Leandra James

(3) List the supporting facts:

The defendants refuse to allow the Plaintiff access to the Dentist, Leaving the Plaintiff in acute pain in Violation of his rights to access medical!
(See Attached Supporting Facts)

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

- To be seen by a Dentist Immediately!
- To be Awarded \$75,000 For Pain and Suffering

2. Claim II:

(1) List the right that you believe was violated:

N/A

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

N/A

Supporting Facts:

The Plaintiff is a pretrial detainee confined within the Logan County Detention Center. Due to dental issues on or about July 15th, 2020 the Plaintiff submitted an emergency medical request to the medical health care provider (Turn Key health) complaining of jaw and tooth pain (Acute pain). The Plaintiff was subsequently pulled out of the housing unit to see the health care provider. The provider informed the Plaintiff that regardless of his pain policy required that the Plaintiff complete 3 "treatments" of 2 medications before being considered to see a dentist. (The 3 treatments are prescriptions of Ibuprofen and Amoxicillin, which would take up to 90 days to complete). At which point the Plaintiff informed the provider he was not interested in any treatment inadequate to treating the ailment at hand. The Plaintiff then asked to see a dentist, instead was given a prescription to orasol 20% and offered Ibuprofen, which when taken only dulled the pain temporarily. After 11 days of still suffering through pain, that seemed to only intensify, Plaintiff then submitted a request to staff on July 26th, 2020 seeking administrative relief through Jail Administrator Randy Lester, which was responded to by Leandra James on July 30th, 2020, claiming Plaintiff was refusing treatment. Plaintiff then sought further administrative relief submitting a request to staff to Sheriff Damon Devereaux on August 1st, 2020, which was responded to by Randy Lester stating "You can have a family member pay for a dentist appointment and transport, and a dentist appointment will be scheduled, You are not being denied, your refusing standard protocol set by Turn Key". Plaintiff then filed a grievance on the subject matter and was informed "Will be sent to dentist if medical becomes life threatening we will send you to the dentist, per policy, if medical condition is not life threatening it is ~~the~~ responsibility of inmate to pay for services". Plaintiff's claim is one of deliberate indifference to his serious dental needs. See *Ramos v. Lamm*, 539 F.2d 559, 574 U.S. (1980). See *Bowlds v. Turn Key Health*, No civ-19-726-SLP, 2020 WL 730876, at *2 and *3 (W.D. Okla. Feb 13, 2020)

(3) List the supporting facts:

N/A

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

N/A

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Dylan Floyd

Plaintiff's signature

8-16-2020

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 19 day of August, 2020.

Dylan Floyd

Plaintiff's signature

8-19-2020

Date